

ORDINANCE NO. 2000-00-20

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, PROVIDING FOR FIRE PROTECTION SERVICES; CREATING A MUNICIPAL SERVICE TAXING UNIT; ESTABLISHING BOUNDARIES FOR THE LEON COUNTY MUNICIPAL SERVICE TAXING UNIT FOR FIRE PROTECTION SERVICES; CREATING A TRUST FUND; ADOPTING A BUDGET; ADOPTING A PROCEDURE FOR ESTABLISHING A MILLAGE RATE FOR THE MUNICIPAL SERVICE TAXING UNIT FOR THE ENSUING FISCAL YEAR; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the Board of County Commissioners has determined that the issue of fire protection services for the unincorporated area of Leon County needs to be adequately addressed and established;

Whereas, the Board of County Commissioners is authorized under Section 125.01, Florida Statutes, to enact legislation to provide fire protection services;

Whereas, the Board of County Commissioners is authorized under Section 125.01(q), Florida Statutes, to create a municipal service taxing unit for any part or all of the unincorporated area of the county within which may be provided fire protection services;

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

SECTION 1. TITLE

This ordinance may be cited as the "Leon County Municipal Service Taxing Unit for Fire Protection Services."

SECTION 2. AUTHORITY AND PURPOSE

This ordinance is enacted under the authority of Article VII, section 9(b) of the Constitution of the State of Florida and under the authority of Section 125.01(q) and (r), Florida Statutes. Its purpose is to create a Municipal Service Taxing Unit in the unincorporated area of Leon County pursuant to law whereby Leon County will have the authority:

- a) to provide fire protection services within the Municipal Service Taxing Unit as permitted by Section 125.01(q), Florida Statutes;
- b) to levy and collect taxes within the Municipal Service Taxing Unit, pursuant to Sections 125.01(q) and (r), Florida Statutes;
- c) to finance fire protection services for the benefit of the residents within the Municipal Service Taxing Unit.

SECTION 3. CREATION OF MUNICIPAL SERVICE TAXING UNIT

- a) There is hereby created a municipal service taxing unit in the unincorporated area of Leon County, to be known as the "Leon County Municipal Service Taxing Unit for Fire Protection," hereinafter "MSTU." The boundaries of the MSTU shall include Leon County as defined in Section 7.37, Florida Statutes, minus the incorporated areas located within Leon County.
- b) In order to finance the MSTU and carry out the provisions of this ordinance, the Board of County Commissioners is hereby empowered to levy and collect ad valorem taxes to the extent permitted and in the manner authorized pursuant to Sections 125.01(q) and (r), Florida Statutes. This tax shall be collected in the

same manner and at the same time as other county taxes. All laws relating to liens for unpaid taxes shall be applicable to taxes levied pursuant to this provision as provided by the Constitution and general law of the State of Florida.

SECTION 4. POWERS AND DUTIES

The governing body of the MSTU shall be the Board of County Commissioners pursuant to Section 125.01(2), Florida Statutes. As the governing body, the Board shall have the following powers and duties:

- a) to levy and collect ad valorem taxes as provided herein;
- b) to enter into and make all contracts necessary for the fulfillment of the purpose and intent of this ordinance;
- c) to accept all grants, benefits, devises, donations, contributions, gifts, bequests and offerings made to it for the use and benefit of the MSTU and for the purposes of this ordinance;
- d) to adopt a budget for the MSTU;
- e) to create a Fire Protection Services Trust Fund in accordance with the provisions of Section 5 herein;
- f) to establish a millage rate in accordance with Section 7 herein;
- g) to provide for the expenditure of the monies deposited into the Fire Protection Services Trust Fund by the Board of County Commissioners pursuant to the MSTU budget;

- h) to dissolve the MSTU and expend the funds collected pursuant hereto for such purposes as described in this ordinance;
- i) to exercise any and all powers necessary or incident to carrying out the forgoing enumerated powers or otherwise granted by general or special law;
- j) no enumeration of powers herein shall be deemed exclusive or restrictive, but shall be deemed to incorporate all implied powers necessary or incident to carrying out such enumerated powers. The provisions of this ordinance shall be liberally construed in order to effectively carry out its purposes.

SECTION 5. FISCAL MANAGEMENT

- a) A trust fund called the "Fire Protection Services Trust Fund," hereinafter "Trust Fund," shall be created. Except as otherwise provided by general or special law, all tax proceeds of the MSTU shall be deposited into this Trust Fund. This Trust Fund shall be established at a qualified public depository as defined in Section 280.02, Florida Statutes. The funds on deposit in the Trust Fund shall be used for no other purpose than to carry out the provisions of this ordinance.
- b) Upon dissolution of the MSTU, funds collected pursuant to the ordinance shall only be expended for such purposes as described in this ordinance.

SECTION 6. ADOPTION OF BUDGET.

- a) The Board of County Commissioners shall prepare and adopt a budget for the MSTU for the ensuing fiscal year at the same time and in the same manner as the County budget shall be adopted. The budget shall contain all or such portions of

the planned costs of providing the services authorized herein as the Board of County Commissioners deems reasonable and necessary to provide such services.

- b) The Board of County Commissioners may set up reserve funds in the MSTU's budget in excess of the estimated expenditures for the ensuing fiscal year for the purpose of creating reasonable reserves.

SECTION 7. ADOPTION OF MILLAGE RATE

Upon adoption of the Budget for the ensuing fiscal year, the Board of County Commissioners shall adopt by resolution the appropriate millage rate pursuant to and in accordance with general law, to adequately fund the previously adopted budget.

SECTION 8. CONFLICT

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict, except to the extent of any conflicts with the Tallahassee-Leon County 2010 Comprehensive Plan as amended, which provisions shall prevail over any parts of this ordinance which are inconsistent, either in whole or in part, with the said Comprehensive plan.

SECTION 9. SEVERABILITY

If any word, phrase, clause, section, or portion of this ordinance shall be held invalid or unconstitutional by a court of competent jurisdiction, such portion or words shall be deemed a separate and independent provision and such holding shall not affect the validity of remaining portions thereof.

SECTION 10. EFFECTIVE DATE.

This Ordinance shall have effect upon becoming law.

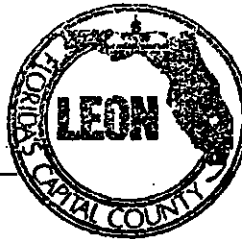
DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon
County, Florida, this 13th day of June, 2000.

LEON COUNTY, FLORIDA

BY: Jane G. Sauls
JANE G. SAULS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTESTED BY:
DAVE LANG, CLERK OF THE COURT

BY: Dave Lang
CLERK



APPROVED AS TO FORM:

COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: Herbert W.A. Thiele
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY

A true copy
Attest



Dave Lang
Clerk Circuit Court
Leon County, Florida

By _____
D.C.

GAINTERNMSTUFIREWORDINANC.